

09:37AM

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

PETER GERACE, JR.,

Defendant.

Case No. 1:19-cr-227
1:23-cr-37
(LJV)

November 19, 2024

TRANSCRIPT EXCERPT - EXAMINATION OF JOSEPH KRYWALSKI
BEFORE THE HONORABLE LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

TRINI E. ROSS, UNITED STATES ATTORNEY
BY: JOSEPH M. TRIPI, ESQ.
NICHOLAS T. COOPER, ESQ.
CASEY L. CHALBECK, ESQ.

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Buffalo, New York 14202
For the Plaintiff

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And

SOEHNLEIN LAW

BY: ERIC MICHAEL SOEHNLEIN, ESQ.

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Buffalo, New York 14202
For the Defendant

PRESENT:

KAREN A. CHAMPOUX, USA PARALEGAL
BRIAN A. BURNS, FBI SPECIAL AGENT
MARILYN K. HALLIDAY, HSI SPECIAL AGENT
OLIVIA A. PRIOIA, J.D., PARALEGAL

LAW CLERK:

REBECCA FABIAN IZZO, ESQ.

COURT CLERK:

COLLEEN M. DEMMA

REPORTER:

ANN MEISSNER SAWYER, FCRR, RPR, CRR
Robert H. Jackson Courthouse
2 Niagara Square Buffalo, New York 14202
Ann_Sawyer@nywd.uscourts.gov

11:16AM 1 (Excerpt commenced at 11:16 a.m.)

11:17AM 2 (Jury seated at 11:16 a.m.)

11:17AM 3 **THE COURT:** The record will reflect that all our
11:17AM 4 jurors are again present.

11:17AM 5 The government can call its next witness.

11:17AM 6 **MS. CHALBECK:** Thank you, Your Honor. The government
11:17AM 7 calls Joseph Krywalski.

11:17AM 8
11:17AM 9 **J O S E P H K R Y W A L S K I**, having been duly called and
11:17AM 10 sworn, testified as follows:

11:17AM 11 **MS. CHALBECK:** May I inquire, Judge?

11:17AM 12 **THE COURT:** You may.

11:17AM 13
11:17AM 14 **DIRECT EXAMINATION BY MS. CHALBECK:**

11:17AM 15 Q. Good morning.

11:17AM 16 A. Good morning.

11:17AM 17 Q. How are you?

11:17AM 18 A. Good, how are you?

11:17AM 19 Q. Please introduce yourself to the jury.

11:17AM 20 A. My name is Zone Sergeant Joseph Krywalski.

11:17AM 21 Q. And what do you do for work, sir?

11:17AM 22 A. I am employed by the New York State Police.

11:17AM 23 Q. How long have you been with the New York State Police?

11:18AM 24 A. About 19 and a half years now.

11:18AM 25 Q. Can you just walk the jury through the different

1 positions you've had while there?

2 A. I started as a road trooper working my way back from
3 downstate to upstate. Then was promoted to sergeant, and
4 then eventually a zone sergeant.

5 Q. In your capacity as a road patrol trooper, did you come
6 into contact with a person named Jessica Leyland?

7 A. I did.

8 Q. How -- how do you know that person?

9 A. She was -- I arrested her on a traffic stop.

10 Q. Do you remember the date that you arrested her?

11 A. It was August 2nd, 2013.

12 Q. And do you remember the time of day that you arrested
13 Ms. Leyland?

14 A. Approximately 2:35, in that area, in the morning.

15 Q. In the morning, a.m.?

16 A. Correct.

17 Q. And can you just explain to the jury the circumstances of
18 the stop?

19 A. I was on patrol on Transit Road in the Town of Clarence,
20 Cheektowaga, Lancaster area. We conducted a traffic stop on
21 a vehicle that had turned onto Transit Road. The vehicle was
22 un-inspected and turned improperly onto Transit. We did a
23 routine traffic stop on the car.

24 When we approached the vehicle, I was with a partner at
25 the time, he was in the driver side I was in the passenger

1 side. As soon as we walked up to the car, I saw in plain
2 view illegal drugs on the passenger's side seat, as well as
3 in the gear shifter and in the ashtray.

4 Q. And let me stop you right there. We'll break this down a
5 little bit.

6 You said that you -- you pulled Ms. Leyland over on
7 Transit Road; is that correct?

8 A. That's correct.

9 Q. Where in relation to Pharaoh's Gentlemen's Club did you
10 pull Ms. Leyland over?

11 A. Within eyesight. I mean she -- the infraction happened
12 at Aero and Transit, which you can almost see the club from
13 there. And then the actual traffic stop occurred at
14 Cloverleaf, I believe, which is just south on Transit.

15 Q. Okay. So, fair to say that you saw the -- the illegal
16 turn, the infraction, and then it took a while to pull -- to
17 make a successful stop?

18 A. That's correct.

19 Q. Okay. You mentioned that you saw illegal drugs in plain
20 view. What drugs did you see?

21 A. There was a large amount of cocaine on the passenger's
22 side front seat. And there was an unburned marijuana
23 cigarette in the gear shifter on the -- her side of the car,
24 as well as a burnt marijuana cigarette in the ashtray. And
25 at this time, marijuana was still illegal.

11:20AM 1 Q. Now you mentioned that there was cocaine in the
11:20AM 2 passenger's seat. Was there anyone else in the vehicle at
11:20AM 3 the time?

11:20AM 4 A. No.

11:20AM 5 Q. Did you, after you saw the cocaine, did you make an
11:20AM 6 arrest of Ms. Leyland?

11:20AM 7 A. Yes.

11:20AM 8 Q. After making the arrest, did you complete an inventory
11:20AM 9 inspection of the vehicle?

11:21AM 10 A. I did.

11:21AM 11 Q. Can you just explain to the jury what that means, an
11:21AM 12 inventory inspection?

11:21AM 13 A. So we -- the state police has a form that we do when
11:21AM 14 we're towing a vehicle. It's essentially an inventory of the
11:21AM 15 contents of the vehicle, so the state can't be held liable if
11:21AM 16 some of those items go missing.

11:21AM 17 Q. And so when you completed this inventory check of the
11:21AM 18 vehicle, did you find articles of clothing?

11:21AM 19 A. I did.

11:21AM 20 Q. Can you describe for the jury the kinds of clothing that
11:21AM 21 you found?

11:21AM 22 A. It was all women's clothing, mostly scantily-clad items.

11:21AM 23 Q. Did it look consistent with stripper clothing?

11:21AM 24 A. It did.

11:21AM 25 Q. Okay. Going back to the cocaine, did you ultimately

1 weigh out the amount of cocaine that was in the passenger's
2 seat of this vehicle?

3 A. I did.

4 Q. How many grams or how much cocaine was there?

5 A. I believe just over 31 grams, approximately. A little
6 more than nine 8 Balls, I want to say.

7 **MS. CHALBECK:** May I have one moment, Your Honor?

8 **THE COURT:** Sure.

9 **BY MS. CHALBECK:**

10 Q. A couple more questions on that cocaine.

11 Was it one big bag of cocaine? Or was it packaged in a
12 certain way?

13 A. So it was one large baggie containing 39
14 individually-packaged baggies.

15 Q. Based on your training and experience, is that consistent
16 with selling user quantities?

17 A. It is.

18 Q. Do you know many drug users who just have 31 grams of
19 cocaine for their own personal use?

20 A. No.

21 **MS. CHALBECK:** Okay. No further direct, Your Honor.

22 **THE COURT:** Any cross?

23 **MR. SOEHNLEIN:** Just briefly.

24
25

CROSS-EXAMINATION BY MR. SOEHNLEIN:

Q. You said this was 2013?

A. That's correct.

MR. SOEHNLEIN: That's all I have. Thank you.

THE COURT: You can step down, sir. Thank you.

THE WITNESS: Thank you, Judge.

(Witness excused at 11:22 a.m.)

(Excerpt concluded at 11:22 a.m.)

* * * * *

CERTIFICATE OF REPORTER

In accordance with 28, U.S.C., 753(b), I
certify that these original notes are a true and correct
record of proceedings in the United States District Court for
the Western District of New York on November 19, 2024.

s/ Ann M. Sawyer
Ann M. Sawyer, FCRR, RPR, CRR
Official Court Reporter
U.S.D.C., W.D.N.Y.

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NOVEMBER 19, 2024

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